

31. (new) A method according to claim 30 wherein the sea water is used in an amount sufficient to provide an isoosmotic formulation.

32. (new) A method according to claim 31 wherein the surface active agent comprises sodium lauryl sulfate at a concentration of between about 0.1% and about 1%, by weight, based on the weight of the formulation.

Remarks

Claims 21-32 have been added and claims 9, 10, 19 and 20 have been cancelled, having previously been withdrawn as non-elected claims. Upon entry of this Amendment, claims 1-8, 11-18, and 21-32 will be pending and in condition for allowance.

The rejection under Section 112, second paragraph, is respectfully traversed. The Examiner's concern regarding "chemical agent" and "chemical compound" continues to be confusing. The current Action provides no further explanation, and in particular, no response to Applicant's own concern that the latter term is not even found in the claims. The specification makes clear that a "chemical agent" of the type presently claimed can include a "compound, solution, or molecule", and goes on to describe various examples of each. See, for instance, the section beginning at page 11, line 30 (i.e., the paragraph bridging pages 11 and 12, and beginning "[t]he formulation delivered using a system of the present invention preferably comprises a chemical agent. Suitable *chemical agents include any compound, solution or molecule* that is desired to be delivered as a foam to the body, including any cavity of the body" (emphasis added).

The meaning and scope of "natural sea water" will be readily clear to those in the art, and is a common and accepted ingredient in cosmetic and similar formulations. In a preferred embodiment, for instance, purification can be accomplished in the manner set forth at page 14, lines 2 – 6, which describes passage of the sea water through a variety of filters.

The rejection under Section 102(b) is respectfully traversed. The system of the present invention provides, *inter alia*, the delivery of a spray or stable foam by the use of an aerosol dispensor containing a single, *homogeneous* formulation of the chemical agent together with anionic surface active agent.

In stark contrast, Jass et al. is concerned with a particular valve-actuated aerosol package that is used for *separately storing and simultaneously mixing and dispensing a plurality of flowable materials*. The reference itself neither teaches nor suggests a system for preparing, storing, and delivering a *homogeneous* stable aqueous formulation that contains *both* a chemical agent (e.g., hydrogen peroxide or sea water) and a delivery agent (e.g., surfactant) in the form of a spray or stable foam, particularly in the manner described and presently claimed.

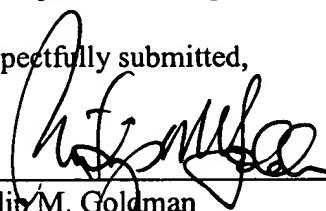
preparing
storing
are not
claimed.
just delivery.
Now it is prepared
or stored is not
of issue.

Moreover, the very portions of Jass et al. relied upon in the Action, namely, columns 7 and 8, confirm the use of such *separate* compositions, and hence cannot possibly support a rejection under Section 102.

In view of the above remarks, it is submitted that the claims are in condition for allowance. Reconsideration and withdrawal of all rejections is respectfully requested.

Dated: 3 SEP 2002

Respectfully submitted,


Philip M. Goldman
Registration No. 31,162
Fredrikson & Byron, P.A.
4000 Pillsbury Center
200 South Sixth Street
Minneapolis, MN 55402-1425
(612) 492-7088
Customer No. 22859

PMG/Amdt.
09/043,433
2694806